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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 In re: CATHODE RAY TUBE (CRT)
17 ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC (N.D.
Cal.)

MDL No. 1917

18 This Document Relates to: Individual Case
19 No. 13-cv-2171 (SC)

20 DELL INC. AND DELL PRODUCTS L.P.,

21 PLAINTIFFS,

22 v.

23 HITACHI, LTD., *ET AL.*,

24 DEFENDANTS.
25
26
27
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**DECLARATION OF DEBRA D.
BERNSTEIN IN SUPPORT OF THE DELL
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST DELL
ON STATUTE OF LIMITATIONS
GROUND**

1 I, **DEBRA D. BERNSTEIN**, declare as follows:

2 1. I am a Partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.
3 and Dell Products L.P. (collectively, “Dell”) in the above-captioned action currently pending in the
4 U.S. District Court for the Northern District of California. I submit this Declaration in support of
5 Dell’s Opposition to Defendants’ Motion for Partial Summary Judgment Against Dell on Statute of
6 Limitations Grounds (hereinafter, the “Bernstein Declaration”).

7 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
8 before the U.S. District Court for the Northern District of Georgia. Pursuant to the Court’s Pretrial
9 Order No. 1 in the MDL Proceeding, I have been admitted *pro hac vice* in this litigation.

10 1. **Exhibit 1** to the Bernstein Declaration is a true and correct copy of excerpts from the
11 deposition transcripts of Chih Chin Liu.

12 2. **Exhibit 2** to the Bernstein Declaration is a true and correct copy of excerpts from the
13 deposition transcripts of Sheng-Jen Yang.

14 3. **Exhibit 3** to the Bernstein Declaration is a true and correct copy of a document
15 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
16 numbers CHU00102864 – CHU00102865.

17 4. **Exhibit 4** to the Bernstein Declaration is a true and correct copy of a document
18 produced by Chunghwa Picture Tubes, bearing bates numbers CHU00647932 – CHU00647943,
19 entered as Exhibit 1227 at the deposition of Chih Chun Liu.

20 5. **Exhibit 5** to the Bernstein Declaration is a true and correct copy of a document
21 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
22 SDCRT-0005830 – SDCRT-0005842, entered as Exhibit 713 at the deposition of Michael Son.

23 6. **Exhibit 6** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
25 SDCRT-0086490 – SDCRT-0086492.

26 7. **Exhibit 7** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Samsung SDI, bearing bates numbers SDCRT-0091692 – SDCRT-0091701.
28

1 8. **Exhibit 8** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
3 numbers CHU00028705 – CHU00028706.

4 9. **Exhibit 9** to the Bernstein Declaration is a true and correct copy of a document
5 produced by Chunghwa Picture Tubes, and a certified English translation of the same, bearing bates
6 numbers CHU00578883 – CHU00578885, entered as Exhibit 1871 at the deposition of Jin Kang Jung.

7 10. **Exhibit 10** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
9 0400579– 0400580.

10 11. **Exhibit 11** to the Bernstein Declaration is a true and correct copy of a document
11 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
12 0410018, and MTPD0410020 – MTPD0410021, entered as Exhibits 1797 and 1798 at the deposition
13 of Yasuki Yamamoto.

14 12. **Exhibit 12** to the Bernstein Declaration is a true and correct copy of a document
15 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
16 0423675 – MTPD-0423677.

17 13. **Exhibit 13** to the Bernstein Declaration is a true and correct copy of a document
18 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
19 0493549 – MTPD-0493550.

20 14. **Exhibit 14** to the Bernstein Declaration is a true and correct copy of a document
21 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
22 SDCRT-0086449 – SDCRT-0086454.

23 15. **Exhibit 15** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
25 SDCRT-0086532 – SDCRT-0086536.

26 16. **Exhibit 16** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
28 SDCRT-0086557 – SDCRT-0086560, entered as Exhibit 1528 at the deposition of Duck Yun Kim.

1 17. **Exhibit 17** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Toshiba, and a certified English translation of the same, bearing bates number TSB-CRT-
3 00035348 – TSB-CRT-00035349.

4 18. **Exhibit 18** to the Bernstein Declaration is a true and correct copy of a document
5 produced by Toshiba, and a certified English translation of the same, bearing bates numbers TSB-CRT-
6 00039829 – TSB-CRT-00039832.

7 19. **Exhibit 19** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Chunghwa Picture Tubes, bearing bates numbers CHU00660717 – CHU00660727,
9 entered as Exhibit 1225 at the deposition of Chih Chun Liu.

10 20. **Exhibit 20** to the Bernstein Declaration is a true and correct copy of a document
11 produced by Chunghwa Picture Tubes, bearing bates numbers CHU00648685.

12 21. **Exhibit 21** to the Bernstein Declaration is a true and correct copy of a document
13 produced by Chunghwa Picture Tubes, bearing bates numbers CHU00648741.

14 22. **Exhibit 22** to the Bernstein Declaration is a true and correct copy of a document
15 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
16 SDCRT-090280 – SDCRT-090282, entered as Exhibit 640 at the deposition of In Hwan Song.

17 23. **Exhibit 23** to the Bernstein Declaration is a true and correct copy of a document
18 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
19 0035375 – MTPD-0035376.

20 24. **Exhibit 24** to the Bernstein Declaration is a true and correct copy of a document
21 produced by Panasonic, and a certified English translation of the same, bearing bates numbers MTPD-
22 0492286 – MTPD-0492289.

23 25. **Exhibit 25** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
25 SDCRT-0086672-SDCRT-0086674.

26 26. **Exhibit 26** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Samsung SDI, and a certified English translation of the same, bearing bates numbers
28 SDCRT-0090319 – SDCRT-0090321.

1 27. **Exhibit 27** to the Bernstein Declaration is a true and correct copy of portions of the
2 Transcript of the August 6, 2014, Deposition of Martin Garvin.

3 28. **Exhibit 28** to the Bernstein Declaration is a true and correct copy of portions of the
4 Transcript of the August 27, 2014, Deposition of Gerry Smith.

5 29. **Exhibit 29** to the Bernstein Declaration is a true and correct copy of portions of the
6 Transcript of the August 8, 2014, Deposition of Angela Ford.

7 30. **Exhibit 30** to the Bernstein Declaration is a true and correct copy of portions of the
8 Transcript of the August 15, 2014, Deposition of Glenn Neland.

9 31. **Exhibit 31** to the Bernstein Declaration is a true and correct copy of portions of the
10 Transcript of the August 22, 2014, Deposition of Thomas McGinty “Mac” Stringfellow.

11 32. **Exhibit 32** to the Bernstein Declaration is a true and correct copy of portions of the
12 Transcript of the August 23, 2014, Deposition of Jon Melnick.

13 33. **Exhibit 33** to the Bernstein Declaration is a true and correct copy of portions of the
14 Transcript of the August 13, 2014, Deposition of Dennis Selman.

15 34. **Exhibit 34** to the Bernstein Declaration is a true and correct copy of portions of the
16 Transcript of the September 3, 2014, Deposition of Shutuan Lillie.

17 35. **Exhibit 35** to the Bernstein Declaration is a true and correct copy of portions of the
18 Transcript of the August 28, 2014, Deposition of Ricky E. Ratley.

19 36. **Exhibit 36** to the Bernstein Declaration is a true and correct copy of portions of the
20 Transcript of the September 9, 2014, Deposition of Julie French.

21 37. **Exhibit 37** to the Bernstein Declaration is a true and correct copy of a Complaint filed
22 by the Direct Purchaser Class Plaintiffs on November 26, 2007.

23 38. **Exhibit 38** to the Bernstein Declaration is a true and correct copy of the Complaint filed
24 by Dell Inc. and Dell Products L.P. on February 17, 2013.

25 39. **Exhibit 39** to the Bernstein Declaration is a true and correct copy of a document
26 produced by Dell, bearing bates number DELL-CRT-00103347, entered as Exhibit 5091 at the
27 deposition of Angela Ford.
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1 40. **Exhibit 40** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Dell, bearing bates numbers DELL-LCD00000698 – DELL-LCD00000704, entered as
3 Exhibit 5093 at the deposition of Angela Ford.

4 41. **Exhibit 41** to the Bernstein Declaration is a true and correct copy of a document
5 produced by Dell, bearing bates numbers DELL-CRT-00103345 – DELL-CRT-00103346, entered as
6 Exhibit 5092 at the deposition of Angela Ford.

7 42. **Exhibit 42** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Dell, bearing bates numbers DELL-CRT-00103333 – DELL-CRT-00103336, entered as
9 Exhibit 4993 at the deposition of Martin Garvin.

10 43. **Exhibit 43** to the Bernstein Declaration is a true and correct copy of portions of the
11 Transcript of the October 27, 2014 deposition of Kenneth G. Elzinga, Ph.D.

12 44. **Exhibit 44** to the Bernstein Declaration is a true and correct copy of Exhibit 3 to the
13 Expert Report of Dr. Kenneth G. Elzinga, April 15, 2014.

14 45. **Exhibit 45** to the Bernstein Declaration is a true and correct copy of a document
15 produced by Dell, bearing bates numbers DELL-LCD00000535 – DELL-LCD00000537, entered as
16 Exhibit 5090 at the deposition of Angela Ford.

17 46. **Exhibit 46** to the Bernstein Declaration is a true and correct copy of a document
18 produced by Dell, bearing bates number DELL-CRT-00100758, entered as Exhibit 5089 at the
19 deposition of Angela Ford.

20 47. **Exhibit 47** to the Bernstein Declaration is a true and correct copy of a document
21 produced by Dell, bearing bates number DELL-CRT-00102738 – DELL-CRT-00102741, entered as
22 Exhibit 5094 at the deposition of Angela Ford.

23 48. **Exhibit 48** to the Bernstein Declaration is a true and correct copy of a document
24 produced by Dell, bearing bates number DELL-LCD00000705 – DELL-LCD00000707, entered as
25 Exhibit 5200 at the deposition of Dennis Selman.

26 49. **Exhibit 49** to the Bernstein Declaration is a true and correct copy of a document
27 produced by Dell, bearing bates number DELL-00822069 – DELL-00822070, entered as Exhibit 6071
28 at the deposition of Shutuan Lillie.

1 50. **Exhibit 50** to the Bernstein Declaration is a true and correct copy of a document
2 produced by Dell, bearing bates number DELL-CRT-00032685 – DELL-CRT-00032686, entered as
3 Exhibit 5205 at the deposition of Dennis Selman.

4 51. **Exhibit 51** to the Bernstein Declaration is a true and correct copy of a document
5 produced by Dell, bearing bates numbers DELL-LCD00000673 – DELL-LCD00000692, entered as
6 Exhibit 4991 at the deposition of Martin Garvin.

7 52. **Exhibit 52** to the Bernstein Declaration is a true and correct copy of a document
8 produced by Dell, bearing bates number DELL-CRT-00101656, entered as Exhibit 6084 at the
9 deposition of Julie French.

10 53. **Exhibit 53** to the Bernstein Declaration is a true and correct copy of a document
11 produced by Dell, bearing bates number DELL-CRT-00048466 – DELL-CRT-00048467.00035,
12 entered as Exhibit 5077 at the deposition of Angela Ford.

13 54. **Exhibit 54** to the Bernstein Declaration is a true and correct copy of portions of the
14 Transcript of the June 2, 2014, 30 (b)(6) Deposition of Dell Plaintiffs, Julie French.

15 55. **Exhibit 55** to the Bernstein Declaration is a true and correct copy of portions of the
16 Transcript of the September 11, 2013 deposition of Jun Yeol Youn.

17 56. **Exhibit 56** to the Bernstein Declaration is a true and correct copy of portions of the
18 Transcript of the January 18, 2013 deposition of Dae Eui Lee.

19 57. **Exhibit 57** to the Bernstein Declaration is a true and correct copy of portions of the
20 Transcript of the July 25 – 26, 2014 deposition of Jae In Lee.

21 58. **Exhibit 58** to the Bernstein Declaration is a true and correct copy of portions of the
22 Transcript of the March 22, 2013 deposition of Sang Kyu Park.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

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4 Executed on December 21, 2014, in Atlanta, Georgia.

5
6 /s/ Debra D. Bernstein

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10 *Attorney for Plaintiffs Dell Inc. and Dell Products L.P*
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